



National Aeronautics and  
Space Administration

**Principal Center for Regulatory Risk Analysis and Communication**

# Regulatory Tracking Summary

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*23 April – 04 May 2007*

This report summarizes regulatory items reviewed by the NASA RRAC PC during the timeframe. Items that appeared to have limited interest to the NASA community, or are provided for information only, are shown in light gray text. Notes and comments by the RRAC PC are shown in bold, blue text under "Description." Related documents and citations, such as "71 FR 51967," are linked to the appropriate document for quick access. Suggested follow-up actions are noted with significant items; users are advised that other follow-up actions may be appropriate for their program or facility.

Previous issues of this regulatory summary are archived on the RRAC PC website at <http://www.rracpc.org>. Comments, questions, suggestions, and requests for further information should be directed to the RRAC PC Lead, Sharon Scroggins/MSFC at 256-544-7932 ([sharon.scroggins@nasa.gov](mailto:sharon.scroggins@nasa.gov)).

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# Acronyms

AAI = All appropriate inquiries  
ADEM = Alabama Department of Environmental Management  
ANPRM = Advance Notice of Proposed Rulemaking  
BASINS = Better Assessment Science Integrating Point and Nonpoint Sources  
°C = Degrees Celsius  
CAA = Clean Air Act  
CAAWG = Clean Air Act Working Group  
CAIR = Clean Air Interstate Rule  
CAMR = Clean Air Mercury Rule  
CAS = Chemical Abstract Service  
CEQ = Council on Environmental Quality  
CERCLA = Comprehensive Environmental Response, Compensation, and Liability Act  
CFR = *Code of Federal Regulations*  
CO = Carbon monoxide  
CRNR = *California Regulatory Notice Register*  
CRT = Cathode ray tube  
DAPC = Division of Air Pollution Control  
DCP (Telone) = 1,3-Dichloropropene  
DCPA = Dimethyl tetrachloroterephthalate  
DDE = 1,1-Dichloro-2,2-bis(p-chlorophenyl)ethylene  
DEA = Drug Enforcement Administration  
DFRC = Dryden Flight Research Center  
DHWM = Division of Hazardous Waste Management  
DIDP = Di-isodecyl phthalate  
DLNR = Department of Land and Natural Resources  
DOT = U.S. Department of Transportation  
DNT = Dinitrotoluenes  
EMS = Environmental Management System  
EO = Executive Order  
EPA = U.S. Environmental Protection Agency  
EPTC = s-Ethyl dipropylthiocarbamate  
F.A.C. = Florida Administrative Code  
FAR = Federal Acquisition Regulation  
FAW = *Florida Administrative Weekly*  
FDEP = Florida Department of Environmental Protection  
FIP = Federal Implementation Plan  
FR = *Federal Register*  
GIS = Geographic information system  
GRC = Glenn Research Center  
GSE = Ground support equipment  
GSFC = Goddard Space Flight Center  
GTF = Goldstone Tracking Facility  
HAP = Hazardous air pollutant  
HCPO = Hawaii Congress of Planning Officials  
JPL = Jet Propulsion Laboratory  
KSC = Kennedy Space Center

MAF = Michoud Assembly Facility  
MC = Methylene chloride  
MS4 = Municipal separate storm sewer system  
MSFC = Marshall Space Flight Center  
NAAQS = National ambient air quality standards  
NASA = National Aeronautics and Space Administration  
NEPA = National Environmental Protection Act  
NESHAP = National Emission Standards for Hazardous Air Pollutants  
NO<sup>2</sup> = Nitrogen dioxide  
NOx = Nitrogen oxide  
NPRM = Notice of Proposed Rulemaking  
NSPS = New Source Performance Standards  
O<sub>3</sub> = Ozone  
OAC = Ohio Administrative Code  
OCCL = Office of Conservation and Coastal Lands  
ODS = Ozone depleting substances  
OEPA = Ohio Environmental Protection Agency  
OMB = Office of Management and Budget  
OSHA = Occupational Health and Safety Administration  
PCE = Perchloroethylene  
PFAC = Perfluoroalkyl carboxylates  
PFAS = Perfluoroalkyl sulfonates  
PM<sub>2.5</sub> = Particulate matter having an aerodynamic equivalent diameter of 2.5 microns or less  
ppm = Parts per million  
PRP = Primary responsible party  
RCRA = Resource Conservation and Recovery Act  
RIN = Regulatory Identification Number  
RRAC PC = Principal Center for Regulatory Risk Analysis and Communication  
SAFETEA-LU = Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users  
SIP = State Implementation Plan  
SNUR = Significant new use rule  
SO<sub>2</sub> = Sulfur dioxide  
SSP = Space Shuttle Program  
STC = Scrap Tire Commission  
STF = Scrap Tire Fund  
TCE = Trichloroethene  
TMDL = Total maximum daily limit  
UWR = Universal Waste Rules  
VAC = Virginia Administrative Code  
VOC = Volatile organic compound

# 1.0 U.S. Federal Regulatory Review

## 1.1 Federal Register Summary

This summary includes FR items that were reviewed for potential impacts on NASA Centers and Programs.

RRAC PC Tracking Number	Subject	Date	Ref.	Type Action	Description	Suggested Actions
Fed-2007-69	CAA-NAAQS PM2.5	04/25/2007	<a href="#">72 FR 20585</a>	Final Rule	<p>Clean Air Fine Particle Implementation Rule [40 CFR Part 51]</p> <p>Provides rules and guidance on the CAA requirements for state and tribal plans to implement the 1997 fine particle (PM2.5) NAAQS. Effective 05/29/2007 [RIN 2060-AK74].</p> <p><b>Each state that has a PM2.5 nonattainment area must submit an implementation plan by 04/05/2008. NASA HQ, DFRC, GRC, GSFC, GTF, and JPL are located in PM2.5 nonattainment areas.</b></p>	
Fed-2007-70	CAA-NESHAP Automobiles and Light-Duty Trucks; Plastic Parts	04/24/2007	<a href="#">72 FR 20227</a>	Direct Final Rule	<p>National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks; National Emission Standards for Hazardous Air Pollutants for Surface Coating of Plastic Parts and Products [40 CFR Part 63]</p> <p>Amends provisions in the Automobiles and Light-Duty Trucks NESHAP to make certain clarifications, including clarifying the interaction between it and the NESHAP for Surface Coating of Plastic Parts and Products. Also amends the Plastic Parts NESHAP to clarify that screen printing is not subject to that rule. Comments are due 05/24/2007 [RIN 2060-AN10].</p>	
Fed-2007-71	CAA-NESHAP Halogenated Solvent Cleaning	05/03/2007	<a href="#">72 FR 25137</a>	Final Rule	<p>National Air Emission Standards for Hazardous Air Pollutants: Halogenated Solvent Cleaning</p> <p>Promulgates revised standards to limit emissions of MC, TCE and PCE from facilities engaged in halogenated solvent cleaning. Will provide further emissions reductions beyond the NESHAP through application of a facility-wide total MC, PCE, and TCE emission standard. Effective 05/03/2007 [RIN 2060-AK22].</p> <p><b>The RRAC PC is not aware of any NASA facilities or programs that would be affected by this rule.</b></p>	
Fed-2007-72	CAA-NESHAP Industrial, Commercial, and Institutional Boilers and Process Heaters; and Other Rules	04/25/2007	<a href="#">72 FR 20465</a>	Proposed Rule	<p>Revisions to Definition of Cogeneration Unit in Clean Air Interstate Rule (CAIR), CAIR Federal Implementation Plan, Clean Air Mercury Rule (CAMR), and CAMR Proposed Federal Plan; Revision to National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters; and Technical Corrections to CAIR and Acid Rain Program Rules [40 CFR Parts 51, 60, 62, 63, 72, 78, 96, and 97]</p> <p>Proposes a change in the cogeneration unit definition in CAIR, the CAIR model cap-and-trade rules, the CAIR FIP, CAMR, and the CAMR model cap-and-trade rule, and the proposed CAMR Federal Plan. Also proposes minor revisions to the Industrial, Commercial, and Institutional Boilers and Process Heaters NESHAP ("Boiler MACT"). Comments are due 06/11/2007 [RIN 2060-A033].</p>	

RRAC PC Tracking Number	Subject	Date	Ref.	Type Action	Description	Suggested Actions
Fed-2007-73	CAA Transportation Conformity	05/02/2007	<a href="#">72 FR 24471</a>	Proposed Rule	<p>Transportation Conformity Rule Amendments to Implement Provisions Contained in the 2005 Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU); [40 CFR Parts 51 and 93]</p> <p>Proposes to amend the transportation conformity rule to make it consistent with CAA Section 176(c). This proposal would change the regulations to reflect that the amended statute now provides more time for state and local governments to meet conformity requirements, provides a 1-year grace period before the consequences of not meeting certain conformity requirements apply, allows the option of shortening the timeframe conformity determinations, and streamlines other provisions. Includes other proposals not related to SAFETEA-LU, such as a proposal to allow the DOT to make categorical hot-spot findings for appropriate projects in CO areas. Comments are due 06/01/2007 [RIN 2060-AN82].</p>	
Fed-2007-74	Climate Change U.S. Climate Action Report	05/04/2007	<a href="#">72 FR 25675</a>	Notice	<p>Department of State</p> <p>Preparation of Fourth U.S. Climate Action Report</p> <p>An initial draft of the fourth U.S. Climate Action Report is available for public review. The report, required under the United Nations Framework Convention on Climate Change, contains the following:</p> <ul style="list-style-type: none"> <li>▪ Key activities conducted by the U.S. since the third report</li> <li>▪ Inventory of U.S. greenhouse gas emissions and sinks</li> <li>▪ Estimate of the effects of mitigation measures and policies on future emissions levels</li> <li>▪ Description of U.S. leadership and involvement in international programs</li> <li>▪ Discussion of U.S. national circumstances that affect U.S. vulnerability and responses to climate change</li> <li>▪ Information on the U.S. Climate Change Science Program and the U.S. Climate Change Technology Program</li> <li>▪ Information on U.S. efforts in systematic observations, including the U.S. Integrated Earth Observation System</li> <li>▪ Information on U.S. education, training, and outreach efforts</li> </ul> <p>Comments are due 05/18/2007.</p>	
Fed-2007-75	Federal Acquisition Regulation Recycled Materials	05/03/2007	<a href="#">72 FR 24554</a>	Proposed Rule	<p>Department of Defense, General Services Administration, and NASA</p> <p>Federal Acquisition Regulation; FAR Case 2005-039, Use of Products Containing Recovered Materials In Service and Construction Contracts [48 CFR Parts 12, 23, 42, and 52]</p> <p>The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) are proposing to amend the FAR to clarify language within the FAR on the use of products containing recovered materials, pursuant to RCRA, and EO 13101, "Greening the Government Through Waste Prevention, Recycling, and Federal Acquisition." The Councils are aware that EO 13423, "Strengthening Federal Environmental, Energy, and Transportation Management," revoked EO 13101; however, EO 13101 is not eliminated from Subpart 23.4 under this rule, because other conforming changes will be required. A future FAR case will make the conforming changes as a result of EO 13423. Comments are due 07/02/2007 [RIN 9000-AK69].</p>	

RRAC PC Tracking Number	Subject	Date	Ref.	Type Action	Description	Suggested Actions
Fed-2007-76	Hazardous or Controlled Materials International Transport Standards and Regulations	05/03/2007	<a href="#">72 FR 25162</a>	Final Rule	<p>Pipeline and Hazardous Materials Safety Administration</p> <p>Hazardous Materials: Revision and Reformatting of Requirements for the Authorization to Use International Transport Standards and Regulations [49 CFR Parts 171, 172, 173, 175 and 176]</p> <p>Amends the Hazardous Materials Regulations to revise and consolidate the requirements applicable to the use of the following International transport standards:</p> <ul style="list-style-type: none"> <li>International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air</li> <li>International Maritime Dangerous Goods Code</li> <li>Transport Canada's Transportation of Dangerous Goods Regulations</li> <li>International Atomic Energy Agency's Safety Standards Series: Regulations for the Safe Transport of Radioactive Material</li> </ul> <p>Also authorizes the use in domestic transportation of portable tanks, cargo tank motor vehicles, and rail tank cars manufactured in accordance with Transport Canada's Transportation of Dangerous Goods Regulations. Effective 10/01/2007 [RIN 2137-AE01].</p>	
Fed-2007-77	Hazardous or Controlled Materials N-phenethyl-4-piperidone	04/23/2007	<a href="#">72 FR 20039</a>	Interim Rule	<p>Drug Enforcement Administration (DEA)</p> <p>Control of a Chemical Precursor Used in the Illicit Manufacture of Fentanyl as a List I Chemical [21 CFR Part 1310]</p> <p>Controls the chemical N-phenethyl-4-piperidone as a List I chemical under the Controlled Substances Act. Effective 04/23/2007. Comments are due 06/22/2007 [RIN 1117-AB12].</p>	
Fed-2007-78	NEPA Environmental Management Systems	04/26/2007	<a href="#">72 FR 20848</a>	Notice	<p>Council on Environmental Quality (CEQ)</p> <p>The National Environmental Policy Act and Environmental Management Systems</p> <p>Announces the availability of guide titled, "Aligning National Environmental Policy Act Processes with Environmental Management Systems--A Guide for NEPA and EMS Practitioners." The guide was developed to assist federal agencies in aligning their NEPA processes with their Environmental Management Systems. The guide is available from CEQ on the <a href="#">NEPA website</a>.</p>	
Fed-2007-79	Safe Drinking Water Act Contaminant Candidate List	05/01/2007	<a href="#">72 FR 24015</a>	Proposed Rule	<p>Drinking Water: Regulatory Determinations Regarding Contaminants on the Second Drinking Water Contaminant Candidate List--Preliminary Determinations [40 CFR Part 141]</p> <p>Proposes that national primary drinking water regulations are not appropriate for 11 contaminants considered for regulatory determinations:</p> <ul style="list-style-type: none"> <li>Boron</li> <li>Mono- and Di-Acid Degradates of DCPA</li> <li>1,1-DDE</li> <li>1,3-DCP; Telone</li> <li>2,4- and 2,6-DNT</li> <li>EPTC</li> <li>Fonofos</li> <li>Terbacil</li> <li>1,1,2,2-Tetrachloroethane</li> </ul> <p>EPA has not made a preliminary determination for perchlorate, but this action provides an update on EPA's evaluation of perchlorate. Comments are due 07/02/2007 [RIN 2040-AE58].</p> <p><a href="#">EPA is continuing to evaluate data regarding the regulation of perchlorate in drinking water. Additionally, Congress is considering bills that address mandatory monitoring and drinking water standards on perchlorate.</a></p>	Ammonium perchlorate is used in solid rocket motor propellant formulations. <a href="#">NASA Centers and programs</a> should be aware of the current regulatory and legislative scrutiny of perchlorate.

RRAC PC Tracking Number	Subject	Date	Ref.	Type Action	Description	Suggested Actions
Fed-2007-80	Test Methods Ambient Air Monitoring (Ozone)	04/26/2007	<a href="#">72 FR 20846</a>	Notice	Office of Research and Development; Ambient Air Monitoring Reference and Equivalent Methods: Designation of a New Equivalent Method  Notice of designation of a new equivalent method for measuring concentrations of O <sub>3</sub> in the ambient air, as follows: ▪ EQOA-0407-165, "Tanabyte Models 722, 723, 724, 725, or 726 Ambient Ozone Analyzer," enclosed in either a dual-bay chassis or a single-bay chassis and operated on either the 0- to 0.5-ppm or 0- to 1-ppm measurement range, within an ambient temperature range of 20 to 30 °C, and with a sample inlet particulate filter installed in the sample filter holder.	

## 1.2 Discussion of Significant Actions and Other Developments

### 1.2.1 EPA Publishes Progress Report on the Ozone

EPA has published a report on the U.S. contributions toward repairing the ozone layer. [Achievements in Stratospheric Ozone Protection: Progress Report](#) recognizes the substantial and successful investments of the many collaborators who have worked toward protecting and restoring the ozone layer. The report states that the ozone layer has not grown thinner over most of the world since 1998 and the Antarctic ozone level is projected to return to pre-1980 levels between 2060 and 2075. NASA is recognized in the report for being a key player in advancing the world's understanding of stratospheric ozone depletion through its research efforts and by substantially reducing its usage of ODSs.

### 1.2.2 Questions and Answers on All Appropriate Inquiries

The RRAC PC recently received an inquiry from a NASA Center regarding whether NASA is responsible for conducting AAIs related to land transactions with a city or other government agency. Information about conducting AAIs is provided below.

In the preamble to the AAI final rule, published in the FR on 1 November 2005 ([70 FR 66069](#)), EPA states:

*"The Brownfields Amendments to CERCLA require persons claiming any of the landowner liability protections to conduct all appropriate inquiries into the past uses and ownership of the subject property. The criteria included in the Brownfields Amendments for the regulatory standards for all appropriate inquiries require that the inquiries include an inquiry by an environmental professional."*

Therefore, EPA intends that the "persons claiming any of the landowner liability protections" should conduct the AAI. In cases where NASA would be claiming ownership of the land and, if contamination is found in the future, may request protection under CERCLA, NASA should conduct the AAI. The codified regulation at [40 CFR 312.1\(b\)](#) states:

*"Applicability. The requirements of this part are applicable to:*

*(1) Persons seeking to establish:*

*(i) The innocent landowner defense pursuant to CERCLA sections 101(35) and 107(b)(3);*

*(ii) The bona fide prospective purchaser liability protection pursuant to CERCLA sections 101(40) and 107(r);*

*(iii) The contiguous property owner liability protection pursuant to CERCLA section 107(q); and*

*(2) persons conducting site characterization and assessments with the use of a grant awarded under CERCLA section 104(k)(2)(B)."*

However, if a city or other government agency has already conducted an AAI and the data were collected by an "environmental professional," NASA can choose to use those data. It would be prudent for NASA to verify the environmental professional's credentials, validate the data that were collected by the landowner, and verify that all available avenues to obtain data concerning previous land ownership were investigated. If contamination is found in the future, having documentation of the AAI data validity and completeness could facilitate NASA's pursuit of a PRP to obtain some relief for the cost of site characterization and possible remediation activities that might be required. For the purpose of collecting AAI-related data, the term "environmental professional" is defined at [40 CFR 312.10\(b\)](#) as:

*"Environmental Professional means:*

*(1) a person who possesses sufficient specific education, training, and experience necessary to exercise professional judgment to develop opinions and conclusions regarding conditions indicative of releases or threatened releases (see § 312.1(c)) on, at, in, or to a property, sufficient to meet the objectives and performance factors in § 312.20(e) and (f).*

*(2) Such a person must:*

*(i) Hold a current Professional Engineer's or Professional Geologist's license or registration from a state, tribe, or U.S. territory (or the Commonwealth of Puerto Rico) and have the equivalent of three (3) years of full-time relevant experience; or*

*(ii) Be licensed or certified by the federal government, a state, tribe, or U.S. territory (or the Commonwealth of Puerto Rico) to perform environmental inquiries as defined in § 312.21 and have the equivalent of three (3) years of full-time relevant experience; or*

*(iii) Have a Baccalaureate or higher degree from an accredited institution of higher education in a discipline of engineering or science and the equivalent of five (5) years of full-time relevant experience; or*

*(iv) Have the equivalent of ten (10) years of full-time relevant experience.*

*(3) An environmental professional should remain current in his or her field through participation in continuing education or other activities.*

*(4) The definition of environmental professional provided above does not preempt state professional licensing or registration requirements such as those for a professional geologist, engineer, or site remediation professional. Before commencing work, a person should determine the applicability of state professional licensing or registration laws to the activities to be undertaken as part of the inquiry identified in §312.21(b).*

*(5) A person who does not qualify as an environmental professional under the foregoing definition may assist in the conduct of all appropriate inquiries in accordance with this part if such person is under the supervision or responsible charge of a person meeting the definition of an environmental professional provided above when conducting such activities."*

### 1.2.3 New Water Quality Modeling Tool Available

A new version of EPA's watershed management program is now available. BASINS is a multipurpose system that integrates environmental data, analytical tools, and modeling programs.



BASINS is intended to assist in developing cost-effective approaches to watershed management and environmental protection, including developing TMDL allocations. BASINS 4.0 runs on non-proprietary, open source, free GIS software, making the tool universally available to anyone interested in the system. Once installed on a personal computer, BASINS 4.0 gives users access to large amounts of point and non-point source data, which can be used to assess or predict flow and water quality for selected streams or entire watersheds. More information about BASINS 4.0 is available at: <http://www.epa.gov/waterscience/basins>.

### 1.2.4 Electronics Waste Management

EPA has released a report examining the status of electronics waste collection and management in the U.S. The analysis consists of a fact sheet summarizing the major findings, and two detailed reports using two distinct sets of data inputs and life span models. In 2005, used or unwanted electronics amounted to approximately 1.9 to 2.2 million tons in the U.S. Of that, about 1.5 to 1.9 million tons primarily were discarded in landfills, and only 345,000 to 379,000 tons were recycled. The report is available on EPA's website at:

<http://www.epa.gov/epaoswer/hazwaste/recycle/ecycling/manage.htm>.

## 1.3 Status of Selected Continuing Actions in Progress

This section illustrates the status of selected actions the RRAC PC is actively tracking. Imminent actions are shown in red text. Questions about any of these actions or suggestions for additions to this list should be directed to Sharon Scroggins/MSFC.

Significant Dates		Subject Action [RIN]	Type of Action	Comments
NPRM	08/2007	NESHAP: Defense Land Systems and Miscellaneous Equipment [2060-AM84]	Pre-rule	Possible impact to Ground Operations.
Final Action	08/2008			Will cover surface cleaning, preparation, coating, and stripping operations on non-flight hardware at some NASA facilities. Could affect launch pads and GSE.
NPRM	09/2007	ODS: Continued Use of ODS in Mission-Critical Applications	Pre-rule	Space vehicle operational impacts.
Final Action	01/2009			NASA is currently in discussions with EPA regarding options to enable future use of relatively small quantities of ODS for mission-critical applications. Latest discussions suggest that future production of ODS will require the certified destruction of other, existing ODS (contaminated, etc.) with an offset of approximately 15 percent.
ANPRM	03/29/2007	NESHAP: Risk and Technology Review, Phase II [2060-AN85]	Pre-rule	Possible space vehicle operational or materials impacts.
	<a href="#">72 FR 14734</a>			Evaluation of residual risk remaining after implementation of numerous NESHAPs, including those regulating the Aerospace and Chrome Electroplating source categories. This rulemaking represents a relatively low risk of EPA imposing limits on HAP and VOC levels contained in coatings, cleaning solvents, and other materials used on flight hardware. Potential further restrictions on the chrome electroplating or other source categories also could affect vendor facilities.
NPRM	08/2007			
Final Action	06/2009			
NPRM	<b>06/2007</b>	Area Sources: Surface Coating and Paint Stripping [2060-AN21]	Pre-rule	Possible space vehicle operational or materials impacts.
Final Action	12/2007			EPA has merged three area source categories into one standard: Autobody Refinishing; Plastic Parts and Products Surface Coating; and Paint Stripping. The resulting standard will regulate certain surface coating, cleaning and paint stripping operations at area sources of HAPs, potentially including some space vehicle operations. For NASA, KSC and MSFC are major sources of HAPs. Other NASA Centers that have HAP emissions would be considered as area sources.
NPRM	01/03/2007	NESHAP General Provisions—Once In, Always In [2060-AM75]	Proposed Rule	Possible impacts to facilities, including space flight support facilities.
Final Action	12/2007			KSC and MSFC currently are major sources of HAPs; MAF recently attained "synthetic minor" status. As proposed, this rule potentially could allow MAF to be considered an area source, no longer subject to any NESHAP requirements for major sources. However, this rule also will require any facility switching from major source to area source status to comply with any applicable area source regulations.

Significant Dates			Subject Action [RIN]	Type of Action	Comments
NPRM	03/07/2006	<a href="#">71 FR 11483</a>	SNUR: Perfluorinated Polymers [2070-AD58]	Proposed Rule	Possible space vehicle materials impacts.
Final Action	01/2008				Rule would require manufacturers to notify EPA of any new materials or significant uses of perfluorinated polymers including those containing PFASs; PFACs; fluorotelomers; or perfluoroalkyl moieties that are covalently bound to a carbon or a sulfur atom where the carbon or sulfur atom is an integral part of the polymer molecule.
NPRM	03/10/2006	<a href="#">71 FR 12311</a>	SNUR: Perfluoroalkyl Sulfonates [2070-AJ18]	Proposed Rule	Possible space vehicle materials impacts.
Final Action	08/2007				Rule would limit or eliminate uses of PFAS, a family of chemicals used as additives, waterproofing agents, etc. The rule effectively would allow the use of PFAS chemicals only as components of aviation hydraulic fluids; photoresist substances; anti-reflective coatings; coatings for surface tension, static discharge, and adhesion control related to imaging applications; or as a chemical intermediate. SSP Orbiter tile waterproofing materials previously incorporated a PFAS additive, but it has been replaced. It is unknown whether regulating additional PFAS-related chemicals would affect other operational materials.
NPRM	08/11/2006	<a href="#">71 FR 46144</a>	DEA: Iodine [1117-AA93]	Proposed Rule	Possible space vehicle materials impacts.
Final Action	04/2007				Would change the way iodine and its mixtures are regulated due to its uses related to illicit drug manufacturing. The rule would require additional controls and facility licensing for purchase, transport, and storage of iodine and mixtures containing more than 2.2 percent iodine. The space suits and International Space Station use such products for water disinfection and could have supply chain impacts in the future.
OMB received draft final for review on 02/01/2007.					
NPRM	04/13/2007	<a href="#">72 FR 18791</a>	OSHA: Explosives [1218-AC09]	Proposed Rule	Possible space vehicle operations impacts.
Final Action					Would revise the explosives and blasting agents standard in Part 1910, Subpart H. Could change labeling, handling, storage and transportation requirements for certain energetic materials. Applies to the manufacture, storage, sale, transportation, handling, and use of explosives, including initiators, igniters, shaped charges and possibly some pyrotechnics. Specific potential impacts are under review.

## 1.4 Clean Air Act Working Group Updates

### 1.4.1 Clean Air Act Working Group Face-to-Face Meeting

The CAAWG will have a face-to-face meeting on the afternoon of Wednesday, 16 May 2007, in Huntsville, Alabama, after the Shuttle Environmental Assurance face-to-face meeting. A conference call dial-in number will be provided for those who cannot travel. The meeting will begin at 3:30 p.m. ET, 2:30 p.m. CT, 1:30 p.m. MT, and 12:30 p.m. PT.

### 1.4.2 Clean Air Act Working Group Telecons for 2007

The CAAWG will hold telecons on the following Wednesdays in 2007 at 2 p.m. ET, 1 p.m. CT, 12 p.m. MT, and 11 a.m. PT:

- 18 July 2007
- 15 August 2007
- 19 September 2007
- 17 October 2007
- 14 November 2007
- 19 December 2007

## 2.0 State Regulatory Reviews

The following sections provide details of regulatory actions reviewed for each state in which NASA facilities are located.

### 2.1 Alabama State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Alabama. Further information about Alabama's environmental regulations may be found at: <http://www.adem.state.al.us/Regulations/regulations.htm>.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
AL-2007-07	Air	4/16/2007	<a href="#">Air Division Rule 335-3</a>	Adoption of Proposed Rule	<p>335–Alabama Department of Environmental Management 3–Air Division</p> <p>Adopted changes update ADEM's Administrative Code to incorporate by reference changes to the NSPS and NESHAPs promulgated by EPA from 01/06/2006 to 07/01/2006. Additional changes include revisions to the transportation conformity rule to incorporate EPA changes, revisions to the emissions reporting requirements, and incorporation of minor EPA changes to the CAIR. A list of specific changes is provided in the <a href="#">Summary of Reasons</a> document. Effective on 04/03/2007.</p> <p><b>Rule changes reflect updates made to the federal regulations.</b></p>	
AL-2007-08	Waste Hazardous Waste	4/13/2007	<a href="#">Land Division Rule 335-14</a>	Adoption of Proposed Rule	<p>335–Alabama Department of Environmental Management 14–Land Division–Hazardous Waste Program</p> <p>Adopted changes update ADEM's Administrative Code to reflect changes in the federal requirements made from 06/14/2005 through 07/14/2006 for the regulation of hazardous waste. The rules also have been revised to update and clarify existing requirements, reformat definitions, and correct typographical errors. Additionally, an exclusion from the definition of solid waste for the recycling and reclamation of CRTs and a new category of universal waste have been added. A list of specific changes is provided in the <a href="#">Summary of Reasons</a> document. Effective on 04/03/2007.</p> <p><b>Rule changes reflect updates made to the federal regulations as well as clarify existing regulations.</b></p>	
AL-2007-09	Waste Scrap Tire	4/13/2007	<a href="#">Land Division Rule 335-4</a>	Adoption of Proposed Rule	<p>335–Alabama Department of Environmental Management 4–Land Division–Scrap Tire Program</p> <p>Adopted changes revise portions of Division 4 Regulations to reflect statutory changes made during the 2006 session of the Alabama Legislature to the Alabama Scrap Tire Environmental Quality Act, Code of Alabama 1975, §22-40A-1 et seq. Also clarifies and corrects typographical errors in the existing regulations and, as necessary, made clarifications to existing rules.</p> <p>Additionally, the Department, in conjunction with the STC, established regulatory requirements governing the use of the STF to remediate sites with 25,000 or fewer accumulated scrap tires. Revisions to this chapter clarify definitions, exempt certain scrap tires from regulation, and ensure consistency with the statutory provisions. Effective on 04/03/2007.</p>	

## 2.2 California State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in California.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
CA-2007-22	Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65)	04/20/2007	<a href="#">CRNR, Register 2007, 16-Z, page 664</a>	Notice	Office of Environmental Health Hazard Assessment; California Environmental Protection Agency  Chemicals Known to the State to Cause Cancer or Reproductive Toxicity  Publishes the current list of chemicals considered to cause cancer or reproductive toxicity by the State of California, as required annually by law.	
CA-2007-23	Toxic Air Contaminants Program	04/20/2007	<a href="#">CRNR, Register 2007, 16-Z, page 662</a>	Proposed Rule Adoption	Office of Environmental Health Hazard Assessment; California Environmental Protection Agency  Proposal for the Adoption of a Unit Risk Factor for Ethylbenzene  Solicits public comments on a draft document describing a unit risk factor for estimating lifetime cancer risk associated with inhalation of ethylbenzene. The draft document was posted on the internet ( <a href="http://www.oehha.ca.gov">http://www.oehha.ca.gov</a> ) on 04/23/2007. The public review period ends 06/01/2007.  A public workshop will be held on 05/23/2007 from 10 a.m. in Room 15 (second floor), Elihu Harris State Office Building, 1515 Clay St., Oakland, California.	
CA-2007-24	Water Proposition 65	04/25/2007	<a href="#">Proposition 65 Current List of Chemicals</a>	Notice	Office of Environmental Health Hazard Assessment; California Environmental Protection Agency  Addition of Chemical to Proposition 65 List  Adds DIDP [CAS No. 68515-49-1/26761-40-0] to the list of chemicals known to the state to cause cancer for purposes of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65). Effective on 04/20/2007.	

## 2.3 Florida State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Florida.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
FL-2007-31	Environmental Resource Permits Procedures	5/4/2007	<a href="#">FAW Notice #4073823</a>	Notice of Development	Chapter 62–FDEP 343.110–Duration of Environmental Resource Permits  The existing rule requires the Department to inspect a permitted system upon receipt of the permittee's notice of completion of construction prior to converting to the operation phase. FDEP is proposing to change this so that the Department can authorize conversion to the operation phase with or without the Department's inspection.	
FL-2007-32	Submerged Lands and Environmental Resources General Permit for Boat Ramps	5/4/2007	<a href="#">FAW Notice #4063056</a>	Workshop	Chapter 62–FDEP 341.417–General Permit for Construction, Alteration or Maintenance of Boat Ramps and Associated Accessory Docks  Workshop to receive public comments on the revision of an existing environmental resource noticed general permit (in Rule 62-341.417, F.A.C.) regarding boat ramps.	

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
FL-2007-33	Water Delegations	4/27/2007	<a href="#">FAW Notice #3959945</a>	Proposed Rule	<p>Chapter 62–FDEP 113–Delegations</p> <p>Addresses the Operating Agreements among FDEP and the Suwannee River, St. Johns River, Southwest Florida, and South Florida Water Management Districts (Districts), which provide a division of responsibility between FDEP and each water management District regarding permitting, compliance, and enforcement. In part, the updated Operating Agreements will do the following:</p> <ul style="list-style-type: none"> <li>▪ Clarify the division of responsibilities for activities associated with domestic or industrial wastewater treatment activities and potable water facilities.</li> <li>▪ Provide for District review and agency action on utility lines that are contained within larger plans of development for which the Districts are otherwise responsible.</li> <li>▪ Return to the FDEP the responsibility for review and agency action on docking facilities and seawalls within the Mosquito Lagoon, Banana River, and Indian River associated with projects that are otherwise the responsibility of the FDEP within the St. Johns River Water Management District.</li> <li>▪ Revise the division of responsibilities for mitigation banks and Regional Offsite Mitigation Areas.</li> <li>▪ Clarify the process for review or transfer of incorrectly submitted applications and modifications of storm water systems previously authorized under Chapters 17-25 or 62-25, F.A.C.</li> <li>▪ Add an additional provision for Special Case Agreements among the FDEP and the Districts.</li> <li>▪ Clarify the responsibilities for coordinating compliance and enforcement actions that include violations on state-owned submerged lands.</li> </ul> <p>The Agreements will be executed both by FDEP and by the Districts. Concurrent rulemaking is being conducted by each District to incorporate the updated Agreement into the rules of the respective District.</p>	

## 2.4 Hawaii State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Hawaii.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
HI-2007-05	Air Greenhouse Gas Emissions	05/03/2007	<a href="#">HB226 CD1</a>	Bill Approved	<p>Environmental Quality: Greenhouse Gas Emissions</p> <p>On 05/03/2007, the Hawaii legislature passed the Hawaii Bill HB 226 CD1, adopting an enforceable limit on greenhouse gases. The purpose of this Hawaii bill is to: 1) establish a state policy to reduce statewide greenhouse gas emissions to levels at or below the statewide greenhouse gas emissions levels in 1990 by 1 January 2020; and 2) to establish a greenhouse gas emissions reduction task force to prepare a work plan and regulatory scheme for greenhouse gas emissions limits applicable to sources or categories of sources. The Hawaii Revised Statutes, Chapter 91, would be required to adopt the greenhouse gas emissions rules by 01/01/2012, based on the recommendations and findings outlined in the work plan created under this law.</p> <p><a href="#">To read the news article regarding this legislative act, refer to New Law Controls Green House Gases, KHON2 News.</a></p>	<a href="#">NASA facilities and programs in Hawaii</a> should be aware of these developing requirements.

#### 2.4.1 Coastal Land Use Policy Workshops on Hawaii Island and Oahu

The DLNR OCCL is hosting a continuing series of coastal land use workshops for the Island of Hawaii and Oahu. The workshops are designed for landowners, planning, regulatory, development community, realtors, and the general public. The objective of the workshops is to encourage discussion regarding regulatory issues and to address common inquiries regarding coastal land use. For more information regarding the meeting venues, topic to be discussed, and schedules, refer to [Coastal Land Use Policy Workshops on Hawaii Island and Oahu](#).

#### 2.4.2 2007 Hawaii Congress of Planning Officials Conference, 26 to 28 September 2007

The County of Hawaii, Planning Department, is hosting the HCPO conference at South Kohala on the Island of Hawaii. The conference will consist of a series of trainings and breakout workshops. This year the conference's theme is to focus on local best practices of sustainability and low-impact development. For more information regarding conference details and updated information, refer to [2007 Hawaii Congress of Planning Officials \(HCPO\) Conference](#).

#### 2.5 Louisiana State Regulatory Review

No items of interest were identified during this reporting period for Louisiana.

#### 2.6 Maryland State Regulatory Review

No items of interest were identified during this reporting period for Maryland.

#### 2.7 Mississippi State Regulatory Review

No items of interest were identified during this reporting period for Mississippi.

#### 2.8 New Mexico State Regulatory Review

No items of interest were identified during this reporting period for New Mexico.

## 2.9 Ohio State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Ohio.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
OH-2007-26	Air Nitrogen Oxides	05/01/2007	OAC Chapter <a href="#">3745-110</a>	Proposed Rule–Public Hearing Notice	<p><a href="#">Proposed new OAC Chapter 3745-110 "Nitrogen Oxides–Reasonably Available Control Technology"</a></p> <p>OEPA is proposing new rules related to the control of NOx emissions from stationary combustion sources such as boilers, combustion turbines, and stationary internal combustion engines. The primary purpose of this rulemaking is to implement the EPA 8-hour ozone standard for Subpart 2 "moderate" non-attainment areas. This Chapter will specifically apply to the eight "moderate" non-attainment counties in the Cleveland and Akron, Ohio, metropolitan area (Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage, and Summit counties). Please see the <a href="#">rule language</a>, <a href="#">synopsis</a>, and the <a href="#">public hearing notice</a> for information on the rule changes the <a href="#">Responsive Summary of Comments</a> for Ohio EPA's responses to submitted comments. The public hearing date is 06/08/2007.</p> <p><a href="#">The proposed regulations regulate NOx emissions from stationary sources to implement a federal ozone standard for "moderate" non-attainment areas, including Cuyahoga County.</a></p>	<a href="#">NASA facilities</a> should consider reviewing for applicability.
OH-2007-27	Air Ohio SIP	04/27/2007	<a href="#">72 FR 20945</a>	Direct Final Rule	<p>Approval and Promulgation of Air Quality Implementation Plans; Ohio; Approval of Revision To Rescind Portions of the Ohio Transportation Conformity Regulations</p> <p>Rescinds portions of the state transportation conformity regulations that are no longer consistent with the federal transportation conformity regulations. The rescission of the Ohio regulations will allow the federal transportation conformity regulations to govern transportation conformity determinations in Ohio. Conformity currently applies to areas that are designated non-attainment, and those redesignated to attainment after 1990, with plans developed under Section 175A of the CAA for the following transportation-related criteria pollutants: ozone, PM2.5 and PM10, CO, and NO2. Conformity to the purpose of the SIP means that transportation activities will not cause new air quality violations, worsen existing violations, or delay timely attainment of the relevant NAAQS.</p> <p><a href="#">EPA has approved OEPA DAPC's request to rescind portions of the Ohio regulations related to transportation conformity.</a></p>	
OH-2007-28	Air Ohio SIP	05/01/2007	<a href="#">72 FR 23783</a>	Proposed Rule	<p>Approval and Promulgation of Ohio SO2 Air Quality Implementation Plans and Designation of Areas</p> <p>Proposes the following:</p> <ul style="list-style-type: none"> <li>▪ To approve an assortment of rules, submitted by Ohio on 05/16/2006, setting limits on SO2 emissions</li> <li>▪ To approve rules for Franklin, Stark, and Summit counties and for one source in Sandusky County that are currently regulated under the 1976 limits</li> <li>▪ To rescind the entire FIP, because if finalized, state limits would supersede the FIP for SO2 in Ohio.</li> <li>▪ To approve several substantive rule revisions and to approve numerous Ohio rules that update company names and unit identifications.</li> <li>▪ To promulgate a designation of attainment for the currently undesignated portion of Summit County.</li> </ul> <p>Comments are due by 05/31/2007.</p>	<a href="#">NASA facilities</a> should consider reviewing for applicability.
OH-2007-29	Air VOCs	05/04/2007	OAC Chapter <a href="#">3745-112</a>	Proposed Rule–Public Hearing	<p>Proposed new OAC rules 3745-112-01 to 3745-112-08 "Consumer Products"</p> <p>OEPA DAPC proposed new rules related to the control of</p>	

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
				Notice	VOC emissions from consumer products. OEPA is evaluating emission control strategies for the control of ozone through VOC and NOx emission reductions. The purpose of these new rules is to aid in the reduction of VOC emissions from consumer products so that measured ozone levels throughout the state of Ohio may be reduced to achieve and/or maintain the applicable 8-hour ground level ozone standard of 0.08 ppm as established by the U.S. EPA. Please see the <a href="#">rule language</a> , <a href="#">synopsis</a> , and the <a href="#">public hearing notice</a> for information about the rule changes and the Responsive Summary for OEPA's responses to comments. A public hearing will be held on 06/12/2007.	
OH-2007-30	Waste Lamp Initiative	05/04/2007	<a href="#">OAC 3745-52-11</a>	Lamp Initiative	<p><a href="#">OEPA launches Lamp Initiative</a></p> <p>DHWM has launched a Lamp Initiative to help businesses manage used lamps correctly. The goal of the initiative is to provide information about how to properly manage waste lamps. Many businesses generate numerous used lamps, but do not realize that they can be hazardous because of the mercury, lead, cadmium, and barium they contain; therefore, businesses must evaluate them before disposal. According to <a href="#">OAC 3745-52-11</a>, all wastes must be evaluated to determine if they are hazardous. To help educate businesses about proper lamp management, OEPA is providing a <a href="#">fact sheet</a>, <a href="#">article</a>, and <a href="#">cartoon</a> for use in newsletters. OEPA recommends handling used lamps under the UWR, requiring no waste evaluation and making it easy to collect and send them to be recycled.</p> <p><a href="#">OEPA has launched a Lamp Initiative to help businesses manage used lamps correctly.</a></p>	
OH-2007-31	Water Storm Sewer Discharge	04/27/2007	<a href="#">OAC Chapter 3745-39</a>	Draft Rule	<p><a href="#">Storm Water Rule (other than small MS4s)–OAC 3745-39-04</a></p> <p>OEPA is considering adoption of the remainder of the federal storm water rules (<a href="#">40 CFR 122.26</a>) it is required to administer (commonly referred to as the Phase I rules). This action would add Rule -04 to OAC <a href="#">Chapter 3745-39</a>. Currently, Chapter 3745-39 addresses discharges from small MS4s. That program commonly is referred to as the EPA Phase II Storm Water Program. Rule -04 would address discharges from large and medium MS4s and industries (including construction sites). Rule -04 contains the amended EPA Phase I rules (industrial conditional no exposure waiver and lowering construction program acreage disturbance threshold from 5 acres to 1 acre). OEPA is soliciting comments on the draft rule. Comments are due 06/11/2007.</p> <p><a href="#">OEPA is considering adoption of the remainder of the federal storm water rules it is required to administer. The draft rule addresses discharges from large and medium MS4s and industries. OEPA is seeking comments on the draft rule.</a></p>	<a href="#">NASA facilities</a> should consider reviewing for applicability.



## 2.10 Texas State Regulatory Reviews

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Texas.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
TX-2007-17	Hazardous Materials Transportation	04/27/2007	<a href="#">32 TexReg 2370</a>	Adopted Rules	<p>Texas Department of Public Safety</p> <p>Update of Incorporation of Federal Hazardous Materials Regulations</p> <p>Adopts amendments to Chapter 4, Subchapter A, §4.1, concerning Regulations Governing Hazardous Materials, without changes to the proposed text as published in the 03/02/2007 issue of the Texas Register (<a href="#">32 TexReg 1046</a>). Ensures that the Federal Hazardous Material Regulations, incorporated by reference in the section, reflect all amendments and interpretations issued through 03/01/2007 (previously 11/01/2006). Amendments and interpretations issued between 11/01/2006 and 03/01/2007 include the following:</p> <ul style="list-style-type: none"> <li>▪ <a href="#">72 FR 4442</a> (01/31/2007)</li> <li>▪ <a href="#">71 FR 78596</a> (12/29/2006)</li> </ul> <p>Effective on 04/30/2007.</p>	

## 2.11 Virginia State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Virginia.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
VA-2007-13	Air	04/30/2007	<a href="#">Virginia Register of Regulations, Volume 23, Issue 17, pages 2741-2754</a>	Final Regulation	<p>The Virginia State Air Pollution Control Board is incorporating by reference federal regulations with regard to Standards for New and Modified Stationary Sources and Hazardous Air Pollutant Sources. The amended regulations include: 9 VAC 5-50-400, 9 VAC 5-50-410, 9 VAC 5-50-60, 9 VAC 5-50-90, and 9 VAC 5-50-100. Effective on 06/01/2007.</p>	